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Security Council

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Resolution 2136 (2014)

Adopted by the Security Council at its 7107th meeting, on 30 January 2014

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC),

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and emphasizing the need to respect fully the principles of non-interference, good neighbourliness and regional cooperation,

Stressing the primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim report (S/2013/433) and the final report (S/2014/42) of the Group of Experts on the DRC ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011) and 2078 (2012) and of their recommendations,

Welcoming the declaration of the end of the 23 March Movement (M23), the corresponding declaration by the Government of DRC, and the signing in Nairobi on 12 December 2013 of the documents concluding the Kampala talks facilitated by Uganda as president of the International Conference of the Great Lakes Region (ICGLR), while *stressing the importance* of ensuring that the M23 does not regroup and resume military activities, in line with the Nairobi declarations and relevant United Nations Security Council Resolutions,

Reiterating its deep concern regarding the security and humanitarian crisis in eastern DRC due to ongoing military activities of foreign and domestic armed groups, *stressing* the importance of neutralizing all armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), and various Mayi Mayi groups, in line with resolution 2098 (2013),

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Reiterating its strong condemnation of any and all internal or external support to armed groups active in the region, including through financial, logistical and military support,

Condemning the illicit flow of weapons within and into the DRC in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011) and 2078 (2012), and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the DRC,

Acknowledging in this respect the important contribution the Council-mandated arms embargo makes to countering the illicit transfer of small arms and light weapons in the DRC, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration and security sector reform,

Recalling the linkage between the illegal exploitation of natural resources, including poaching and illegal trafficking of wildlife, illicit trade in such resources, and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and encouraging the continuation of the regional efforts of the ICGLR and the governments involved against the illegal exploitation of natural resources, and *stressing*, in this regard, the importance of regional cooperation and deepening economic integration with special consideration for the exploitation of natural resources,

Noting with great concern the persistence of serious human rights abuses and humanitarian law violations against civilians in the eastern part of the DRC, including summary executions, sexual and gender based violence and large scale recruitment and use of children committed by armed groups,

Noting with deep concern reports and allegations indicating the persistence of serious human rights and international humanitarian law violations committed by Congolese armed forces (FARDC), including those committed with impunity,

Noting with deep concern reports indicating FARDC collaboration with the FDLR at a local level, *recalling* that the FDLR is a group under United Nations sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically based and other killings in Rwanda and in the DRC, and *stressing* the importance of permanently addressing this threat,

Calling for all those responsible for violations of international humanitarian law and violations or abuses of human rights, as applicable, including those involving violence or abuses against children and acts of sexual and gender-based violence, to be swiftly apprehended, brought to justice and held accountable,

Welcoming the efforts of the United Nations Secretary-General as well as of the ICGLR, the Southern African Development Community (SADC) and the African Union (AU), to restore peace and security in eastern DRC,

Welcoming the signing in Addis Ababa on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region ("the PSC Framework") and the nomination of Special Envoy Mary Robinson, *and reiterating the need* for all signatories to fulfil promptly, fully and in good faith their respective commitments,

Taking note of the Declaration of the Summit of the Heads of State and Government of the ICGLR on the Promotion of Peace, Security, Stability and Development in the Great Lakes Region held in Luanda on 15 January 2014,

Recalling all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts,

Calling on all parties to cooperate fully with the United Nations Organization Stabilization Mission in the DRC (MONUSCO), *reiterating* its condemnation of any attacks against peacekeepers, and *emphasizing* that those responsible for such attacks must be brought to justice,

Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 1 February 2015 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution and further decides that the measures on arms imposed by paragraph 1 of resolution 1807 (2008) shall not apply to the supply of arms and related material, as well as assistance, advice or training, intended solely for the support of or use by the African Union-Regional Task Force;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of resolution 1807 (2008) in relation to those measures;

4. *Decides* that the measures referred to in paragraph 3 above shall apply to the following individuals, and, as appropriate, entities, as designated by the Committee:

(a) Individuals or entities acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Individuals or entities operating in the DRC and recruiting or using children in armed conflict in violation of applicable international law;

(e) Individuals or entities operating in the DRC and involved in planning, directing, or participating in the targeting of children or women in situations of armed conflict, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;

(f) Individuals or entities obstructing the access to or the distribution of humanitarian assistance in the DRC;

(g) Individuals or entities supporting armed groups in the DRC through illicit trade of natural resources, including gold or wildlife as well as wildlife products;

(h) Individuals or entities acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity;

(i) Individuals or entities who plan, direct, sponsor or participate in attacks against MONUSCO peacekeepers;

(j) Individuals or entities providing financial, material, or technological support for, or goods or services to, or in support of a designated individual or entity;

5. *Requests* the Secretary-General to extend, for a period expiring on 1 February 2015, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions and *requests* the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to present to the Council, through the Committee, a written mid-term report by 28 June 2014, and a written final report before 16 January 2015, *welcomes* the practice of receiving additional updates from the Group of Experts as appropriate, and further requests that, after a discussion with the Committee, the Group of Experts submit to the Council its final report upon termination of the Group's mandate;

6. *Strongly condemns* all armed groups operating in the region and their violations of international humanitarian law as well as other applicable international law, and abuses of human rights including attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, summary executions, sexual and gender based violence and large scale recruitment and use of children, and *reiterates* that those responsible will be held accountable;

7. *Demands* that the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA) and various Mayi Mayi groups cease immediately all forms of violence and other destabilizing activities and that their members immediately and permanently disband, lay down their arms and demobilize children from their ranks;

8. *Calls upon* all States, especially those in the region, to take effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the DRC, welcoming the positive international developments in regard to addressing the risks posed by armed group leaders in the diasporas, and *calls upon* all States to take steps, where appropriate, against leaders of the FDLR and other armed groups residing in their countries;

9. *Demands* that the Government of the DRC, per its commitments in the Nairobi Declarations of 12 December 2013, accelerate the implementation of its Disarmament, Demobilisation and Reintegration programme, in coordination with the United Nations, international organizations and neighbouring countries where former M23 combatants have found refuge, *requests*, in this respect, and in accordance with the Nairobi declarations and in line with commitments under the

PSC Framework agreement, the United Nations and international organizations to work together with neighbouring states to urgently address the situation of former M23 combatants located in their territories, *and stresses the importance* of ensuring that the M23 does not regroup and resume military activities, in line with the Nairobi declarations and relevant United Nations Security Council Resolutions;

10. *Welcomes* the progress made to date by the Government of the DRC on ending the use of children in armed conflict and *urges* the Government of the DRC to follow through on its commitments made in the action plan signed with the United Nations detailing concrete, time-bound measures to release and reintegrate children associated with the Congolese armed forces and to prevent further recruitment, and for the protection of girls and boys from sexual violence;

11. *Stresses* the importance of the Government of the DRC actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through its ongoing cooperation with the International Criminal Court, *encourages* MONUSCO to use its existing authority to assist the government of the DRC in this regard, and *calls on* all signatories of the PSC Framework Agreement to continue to implement their commitments and cooperate fully with one another and the Government of the DRC, as well as MONUSCO to this end;

12. *Recalling* that there should be no impunity for any of those responsible for violations of international humanitarian law and violations and abuses of human rights in the DRC and the region, and, in this regard, *urging* the DRC, all countries in the region and other concerned United Nations Member States to bring perpetrators to justice and hold them accountable;

13. *Decides* that the measures imposed by paragraph 9 of resolution 1807 (2008) shall not apply as per the criteria set out in paragraph 10 of resolution 2078;

14. *Reiterates* its support to the Expanded Joint Verification Mechanism (EJVM), and welcomes the decision of the ICGLR to grant permanent representation of MONUSCO in the EJVM;

15. *Calls on* the Government of the DRC to enhance stockpile security, accountability and management of arms and ammunition, with the assistance of international partners, to address urgently reports of diversion to armed groups, as necessary and requested, and to urgently implement a national weapons marking program, in particular for state-owned firearms, in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

16. *Recalls* the mandate of MONUSCO to monitor the implementation of the arms embargo, in cooperation with the Group of Experts, and in particular to observe and report on flows of military personnel, arms or related materiel across the eastern border of the DRC, including by using surveillance capabilities provided by unmanned aerial systems, seize, collect and dispose of arms or related materials whose presence in the DRC violates the measures imposed by paragraph 1 of resolution 2078 (2012), in accordance with paragraph 12 (c) of paragraph 2098 (2013);

17. *Requests* MONUSCO to assist the Committee established pursuant to paragraph 8 of resolution 1533 (2004) and the Group of Experts established by the

same resolution, within its capabilities, including by passing information relevant to the implementation of the sanctions measures;

18. *Emphasizes* the primary responsibility of the Government of the DRC to reinforce State authority and governance in eastern DRC, including through effective security sector reform to allow army, police and justice sector reform, and to end impunity for violations and abuses of human rights and violations of international humanitarian law, urges the Government of the DRC to increase efforts in this regard, in accordance with its national commitments under the PSC framework and *further encourages* the continuation of efforts by the Government of the DRC to address issues of illegal exploitation and smuggling of natural resources;

19. *Welcomes* in this regard the measures taken by the Congolese Government to implement the due diligence guidelines on the supply chain of minerals, as defined by the Group of Experts and the Organization for Economic Cooperation and Development, and *calls on* all States to assist the DRC, the ICGLR and the countries in the Great Lakes region in the implementation of the guidelines;

20. *Welcomes* measures taken by the Governments in the region, in particular Rwanda and the DRC, to implement the due diligence guidelines, including adopting the Regional Certification Mechanism (RCM) of the ICGLR into their national legislation, in accordance with OECD Guidance and international practice, and *requests* the extension of the certification process to other Member States in the region as recommended by the Luanda Declaration of 15 January 2014;

21. *Encourages* a swift response by the ICGLR to put in place the necessary technical capacity required to support Member States in their fight against the illegal exploitation of natural resources, and *further encourages* the ICGLR to take immediate actions to fully implement the mineral certification process;

22. *Encourages* all States, particularly those in the region, to continue to raise awareness of the Group of Experts due diligence guidelines, and to continue efforts to end mineral smuggling, in particular in the gold sector as part of broader efforts to mitigate the risk of further financing armed groups and criminal networks within the FARDC;

23. *Reaffirms* the provisions of paragraphs 6 to 13 of resolution 1952 (2010) and requests the Group of Experts to continue to study the impact of due diligence;

24. *Reaffirms* the provisions of paragraphs 7 to 9 of resolution 2021 (2011) and *reiterates its call* to the DRC and States in the Great Lakes region to require their customs authorities to strengthen their control on exports and imports of minerals from the DRC, and to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources, including wildlife poaching and trafficking;

25. *Recalls* the mandate of MONUSCO to support the Congolese authorities in the implementation of their national commitments under the PSC Framework agreement, in line with resolution 2098 (2013), and notes that MONUSCO should play a role in preventing the provision of support to armed groups from illicit activities, including production and trade in natural resources, notably by carrying out spot checks and regular visits to mining sites, trade routes and markets, in the vicinity of the five pilot trading counters;

26. *Expresses* its full support to the United Nations Group of Experts of the 1533 Committee and calls for enhanced cooperation between all States, particularly those in the region, MONUSCO and the Group of Experts, *encourages* further that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control and *reiterates* its demand that all parties and all States ensure the safety of its members and its support staff, and that all parties and all States, including the DRC and countries of the region, provide unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

27. *Calls upon* the Group of Experts to cooperate actively with other relevant panels of experts, in particular that on Côte d'Ivoire re-established by paragraph 13 of resolution 1980 (2011) with respect to natural resources, and that on Somalia re established by paragraph 27 of resolution 2111 (2013) with respect to the activities of the ADF and Al Shabaab;

28. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 and recommended in paragraph 8 of resolution 1952 (2010);

29. *Decides* that, when appropriate and no later than 1 February 2015, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the DRC, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups, with a particular focus on children among them;

30. *Decides* to remain actively seized of the matter.